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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,129	09/19/2001	Bryan C. Turner	95-469	8413
23164	7590	08/12/2004		
LEON R TURKEVICH 2000 M STREET NW 7TH FLOOR WASHINGTON, DC 200363307			EXAMINER WU, XIAO MIN	
			ART UNIT 2674	PAPER NUMBER 5

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,129

Applicant(s)

TURNER ET AL.

Examiner

XIAO M. WU

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2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-11, 13-23, 25-35, 37-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrowicz et al. (Pub. No US/2003/0026244) in view of Uchida et al. (US Patent No. 6,275,226).

As to claims 1, 13, 25, 37, Pietrowicz discloses a network-enabled user interface device (100, Fig. 1), the device including: a display screen (122) configured for display elements; a user interface (124) configured for supplying user inputs; an application controller configured (110A) for obtaining display requests from executable application resources, the application controller including a network interface (132, 140) configured for receiving at least a portion of the display requests from a corresponding remote group of the executable application resources via an open protocol network (102, 104).

It is noted that Pietrowicz does not specifically disclose an interface controller configured for defining the distinct display areas and outputting the display elements for the respective distinct display area, the interface controller including an arbitrator configured for selecting, from the display request, the display element for each corresponding display area based on at least one of corresponding determined condition and a determined presence of a selected one of the user inputs.

Uchida is cited to teach an interface controller (e.g. GUI control property defining information controller 203, Fig. 2) configured for defining the distinct display areas (e.g. application windows) and outputting the display elements for the respective distinct display area (application windows), the interface controller (203) including an arbitrator (205) configured for selecting, from the display request (e.g. GUI control property defining information 201), the display element for each corresponding display area (503, Fig. 5) based on at least one of corresponding determined condition and a determined presence of a selected one of the user inputs.

It would have been obvious to one of ordinary skill in the art to have modified Pietrowicz with the features of the GUI controller as taught by Uchida because Uchida provides a system and method for supporting development of application windows and more particularly, to development supporting system and method which utilize a client/ serve system for an application constructed of application windows using graphical user interface GUI controls (col. 1, lines 6-11).

As to claims 2, 14, 26, 38, Uchida discloses a corresponding display list entry for storage of an application object, the arbitrator (205, Fig. 2) for selecting a corresponding one of

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the display entries for display of the corresponding application object as the corresponding display element.

As to claims 3, 4, 15, 16, 27, 28, 39, 40, Uchieda discloses the arbitrator (205) for selecting the display list entry for display of the corresponding application object (see Fig. 4, col. 5, lines 29-42).

As to claims 5-7, 10-11, 17-19, 22-23, 29-31, 34-35, Uchieda discloses an application window-editing window (Figs 5 and 6, also see col.5, line 65 to col. 6, line 64).

As to claims 8, 20, 32, 44, Pietrowicz discloses that the open protocol networks is an Internet Protocol network (page 2, pp0024).

As to claims 9, 21, 33, 45, Pietrowicz discloses application characteristic includes a determined application class (e.g. analog or digital).

4. Claims 12, 24, 36, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrowicz et al. (Pub. No US/2003/0026244) in view of Uchida et al. (US Patent No. 6,275,226) as applied to claims 1-11, 13-23, 25-35, 37-47 above, and further in view of Jennings (US Patent No. 6,719,593).

It is noted that both Pietrowicz and Uchieda do not specifically disclose an XML document. Jennings is cited to teach a VOIP device similar to Pietrowicz. Jennings discloses using an XML document. It would have been obvious to one of ordinary skill in the art to have Pietrowicz as modified with the features of XML document because the XML document is well known for use in the Internet environment.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patents 5,615,384, 6,129,449, 6,173,246, 6,204,847 6,731,992 are cited to teach a display device including GUI.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw

August 9, 2004



**XIAO WU
PRIMARY EXAMINER
ART UNIT 2674**